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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,597	06/08/2001	Barry H. Schwab	VID-01702/29	1591
25006 7590 01/25/2007 GIFFORD, KRASS, GROH, SPRINKLE & CITKOWSKI, P.C PO BOX 7021 TROY, MI 48007-7021			EXAMINER NASH, LASHANYA RENEE	
			ART UNIT	PAPER NUMBER
			2153	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/25/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication..

**Office Action Summary**

Application No.

09/877,597

Applicant(s)

SCHWAB ET AL.

Examiner

LaShanya R. Nash

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

This office action is in response to an Amendment filed 26 April 2006. Claims 1, and 3-11 are presented for further consideration. Claim 1 is currently amended. Claim 3 is cancelled.

### **Response to Arguments**

Regarding Applicant's arguments, filed 26 April 2006, Applicant contends that the Office action mailed 26 January 2006 did not address the amendments made to claim 1. However, upon discussion with Applicant's representative, John G. Posa (Reg # 37,424), on 17 January 2007 it was determined that the Office action addressed the aforementioned amendment (Office action, page 4). Therefore, instant Office action restates claim rejections as set forth in the previous Office action.

Applicant's arguments, with respect to the rejections of claims 1, and 3-11 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of newly found prior art reference McGlothlin et al. (US Patent 6,512,526), as set forth below in the Office Action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, and 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamper, in view of McGlothlin et al. (US Patent 6,512,526), hereinafter referred to as Kamper and McGlothlin.**

In reference to claim 1, Kamper discloses a method for transferring configuration preferences to a plurality of computers employing a removable storage device, (abstract). Kamper explicitly discloses:

- A method (Figure 4; column 2, lines 1-26) of transferring user preferences (i.e. configuration data allocated to different personnel; column 5, line 54 to column 6, line 11; Figure 3-item John Doe), comprising the steps of:
  - Providing a transportable data storage medium, (column 3, line 56 to column 4, line 5; Figure 3);
  - Recording on the transportable data storage medium, at a first computer (i.e. smart card configured with configuration data subsequent to the physical setup of the server), information relating to a user's computer configuration preferences, (column 5, lines 54 to column 6, line 11);
  - Receiving the transportable data storage medium at a second computer, (i.e. the removable storage device reader is easily moved

and coupled to a plurality of servers, one after another; column 5, lines 20-27);

- o At least temporarily configuring the second computer in accordance with the information stored on the transportable medium, (i.e. a single smart card to be used to configure a plurality of servers; columns 6-7).

However, Kamper fails to expressly disclose that the configuration data is unique information relating to a particular user's computer configuration preferences, including information relating to the user's preferred desktop graphical interface. Nonetheless, these were well known features in the art at the time of invention, as further evidenced by McGlothlin. Therefore, it would have been obvious to accordingly modify the method as disclosed by Kamper, for one of ordinary skill in the art.

In an analogous art, McGlothlin discloses a method that to allow customization of an individual user's desktop of a personal computer system environment (abstract; Figure 6). McGlothlin discloses the method wherein stored configuration data is unique information relating to a particular user's computer configuration preferences (i.e. desktop layout for each user (column 4, line 22- column 5, line 31); including information relating to the user's preferred desktop graphical interface (i.e. desktop layout includes graphical portions of desktop components; column 5, lines 32-column 6, line 6). One of ordinary skill in the art would have been motivated to implement this modification so as further allow configuration of the computing devices (i.e. including the graphical user interface) to be based on the preferences and expertise of different users, thereby increasing ease of use (Kamper column 5, line 65-column 6, line 5).

In reference claim 3, Kamper shows the method wherein storage medium includes information relating to wire or wireless network or dialup communication preferences, (i.e. IP address; hostname; gateway; column4, lines 6-13).

In reference claim 4, Kamper shows the method wherein storage medium includes information relating to one or more user files or information relating to a user file, (i.e. client boot files; column 3, lines 4-28).

In reference to claim 5, Kamper shows the method further includes the step of accessing a remote location to at least temporarily configure the second computer in accordance with the information stored on the transportable storage medium, (column3, lines 4-28; Figure 1).

In reference to claim 6, Kamper shows the method wherein the remote location includes data or an application program (i.e. applications) desired by the user at the second computer, (column3, lines 4-28; Figure 1).

In reference to claim 7, Kamper shows the method wherein the step of at least temporarily configuring the second computer occurs through re-booting the second computer or through a different user log-on (column 4, lines 1-10).

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In reference to claim 8, Kamper shows the method wherein the storage medium uses a magnetic, optical, magneto-optical, or semiconductor memory, (column 3, line 56 to column 4, line 5; column 5, lines 45-65).

In reference to claim 9, McGlothlin shows prompting the user to retain the storage medium following the reconfiguration of second machine (column 6, lines 39-56).

In reference to claim 10, Kamper shows the method wherein the storage medium is in the form of a disk or card, (i.e. smart card; column 3, line 56 to column 4, line 5; column 5, lines 45-65; Figure 3).

**Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamper and McGlothlin as applied to claim 1, in view of Lenz (US Patent 6,029,196), hereinafter referred to as Lenz.**

In reference to claim 11, Kamper and McGlothlin disclose substantial features of the claimed invention such as storing user files on the storage medium (column 3, lines 5-26), and storing the user files at a second computer (i.e. storage device created at a remote place; column 7, lines 17-28). However, Kamper and McGlothlin do not explicitly disclose that the user files are updated in accordance with the user at the second computer. Nonetheless, it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the method as disclosed by Kamper and McGlothlin, as further evidenced by Lenz.

In an analogous art, Lenz discloses a method for configuration of client preferences and settings in a computer environment, wherein updates to client files are used to replace existing files (column 2 lines 12-14). One of ordinary skill in the art would have been so motivated to implement this modification so as to update the user files on the storage medium at the second computer replacing existing user files from the first computer, thereby alleviating the need to for users to manually update their stored preferences and settings, (Lenz column 1, lines 12-24).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R Nash whose telephone number is (571) 272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShanya Nash  
Art Unit, 2153  
January 18, 2007



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER